



Crl.OP.No.29157 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.29157 of 2022

M.Suresh Kumar

... Petitioner

Vs.

State by:

The Inspector of Police,
Vigilance & Anti corruption,
Villupuram.
(Crime No.08 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.08 of 2022 (On the file of the respondent police).

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.11.2022 for the offences punishable under Section 7 of Prevention of Corruption Act, 1988 in Crime No.08 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is working as a Record Clerk in TAHDCO office, Villupuram. The defacto complainant had approached the petitioner for sanctioning loan to the Women Self Help Group and that the petitioner had demanded a sum of Rs.10,000/- as a bribe. Thereafter, the defacto complainant had given a complaint before the respondent police. Based on which, a trap was laid and the petitioner was caught red handed, while he receiving the bribe. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has made as an escape goat in this proceeding. He would submit that major part of the investigation is over and there is no purpose in continuing the incarceration of the petitioner.



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Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is working as a Record Clerk in TAHDCO and had demanded a sum of Rs.10,000/- for sanctioning loan to the Women Self Help Group. Thereafter, based on the complaint of the defacto complainant, a trap was laid and the petitioner was caught red handed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)**

with **two sureties**, each for a like sum to the satisfaction of the **learned**

Chief Judicial Magistrate, Villupuram and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police every day at 10.30 am until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW**



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5560];

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

28.11.2022

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To

1. The learned Chief Judicial Magistrate, Villupuram
2. The Inspector of Police,
Vigilance & Anti corruption,
Villupuram.
3. The District Jail,
Vedampattu, Villupuram
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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